



CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII 96813-3077

IKAIKA ANDERSON
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FLOOR LEADER
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JOEY MANAHAN
RON MENOR
KYMBERLY MARCOS PINE
HEIDI TSUNEYOSHI
TOMMY WATERS

JOURNAL

REGULAR MEETING
18TH SESSION
WEDNESDAY, OCTOBER 9, 2019

KAPOLEI HALE
1000 ULUOHIA STREET, CONFERENCE ROOMS A, B AND C
KAPOLEI, HAWAII 96707

Note: A copy of the video of the full proceedings of this meeting may be requested by calling the City Clerk's Office at 768-5822.

CALL TO ORDER

Pursuant to adjournment, the regular meeting of the City Council was called to order by the Chair and Presiding Officer, Ikaika Anderson, at 10:36 a.m.

ROLL CALL

Roll call showed the following Councilmembers present:

Councilmembers Elefante, Fukunaga, Kobayashi, Manahan, Menor, Pine, Tsuneyoshi, Waters, Anderson – 9.

INTRODUCTION OF GUESTS

Councilmember Fukunaga recognized Senator Kurt Fevella.

APPROVAL OF MINUTES

Councilmember Kobayashi moved that the Minutes of the 16th and 17th Sessions be approved, subject to corrections by Councilmembers within 30 days. Seconded by Councilmember Fukunaga.

The following individual testified:

Natalie Iwasa (Requested the September 4, 2019 minutes be corrected.)

AYES: ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, PINE,
TSUNEYOSHI, WATERS, ANDERSON – 9.

NOES: None.

ORDER OF THE DAY

ADOPTION

RESOLUTION 19-185 – COMMITTEE REPORT 283

RESOLUTION CONFIRMING THE REAPPOINTMENT OF CHRISTOPHER A. DACUS TO SERVE ON THE BOARD OF PARKS AND RECREATION OF THE CITY AND COUNTY OF HONOLULU.

Councilmember Tsuneyoshi moved that Committee Report 283 and Resolution 19-185 be adopted. Seconded by Councilmember Kobayashi.

The following individual testified:

Sharlene Chun-Lum (M-614) (Oppose)

Committee Report 283 and Resolution 19-185 were adopted.

AYES: ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, PINE,
TSUNEYOSHI, WATERS, ANDERSON – 9.

NOES: None.

Related communication:

M-614 Additional testimony for Resolution 19-185

ADOPTION

RESOLUTION 19-186 AND COMMITTEE REPORT 284

RESOLUTION CONFIRMING THE REAPPOINTMENT OF RICKY H. TANIGUCHI TO SERVE ON THE BOARD OF PARKS AND RECREATION OF THE CITY AND COUNTY OF HONOLULU.

Councilmember Tsuneyoshi moved that Committee Report 284 and Resolution 19-186 be adopted. Seconded by Councilmember Kobayashi.

There was no public testimony.

Committee Report 284 and Resolution 19-186 were adopted.

AYES: ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, PINE,
TSUNEYOSHI, WATERS, ANDERSON – 9.

NOES: None.

Chair Anderson recognized and congratulated Mr. Taniguchi.

ADOPTION

RESOLUTION 19-200 AND COMMITTEE REPORT 294

RESOLUTION CONFIRMING THE APPOINTMENT OF MS. EILEEN AKI MARCEAU TO SERVE ON THE PLANNING COMMISSION OF THE CITY AND COUNTY OF HONOLULU.

Councilmember Menor moved that Committee Report 294 and Resolution 19-200 be adopted. Seconded by Councilmember Waters.

There was no public testimony.

Councilmember Menor thanked Ms. Marceau for her willingness to serve on the Planning Commission.

Committee Report 294 and Resolution 19-200 were adopted.

AYES: ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, PINE,
TSUNEYOSHI, WATERS, ANDERSON – 9.

NOES: None.

Chair Anderson recognized and congratulated Ms. Marceau.

Related communication:

M-603 Early testimony on Resolution 19-200

ADOPTION

RESOLUTION 19-201 AND COMMITTEE REPORT 295

RESOLUTION CONFIRMING THE APPOINTMENT OF MR. BRIAN LEE TO SERVE ON THE PLANNING COMMISSION OF THE CITY AND COUNTY OF HONOLULU.

Councilmember Menor moved that Committee Report 295 and Resolution 19-201 be adopted. Seconded by Councilmember Waters.

The following individual testified:

Ryan Kobayashi, Hawaii Laborers' Union (M-604) (Support)

Councilmember Menor thanked Mr. Lee for his willingness to serve on the Planning Commission.

Councilmember Elefante stated his support of the Resolution.

Councilmember Elefante noted for the record that he filed Disclosures of Interest with the City Clerk's Office (CC-301 and CC-302).

Committee Report 295 and Resolution 19-201 were adopted.

AYES: ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, PINE,
 TSUNEYOSHI, WATERS, ANDERSON – 9.

NOES: None.

Chair Anderson recognized and congratulated Mr. Lee.

Related communication:

M-604 Early testimony on Resolution 19-201

ADOPTION

RESOLUTION 19-202 AND COMMITTEE REPORT 296

RESOLUTION CONFIRMING THE REAPPOINTMENT OF MR. KEN K. HAYASHIDA TO SERVE ON THE PLANNING COMMISSION OF THE CITY AND COUNTY OF HONOLULU.

Councilmember Menor moved that Committee Report 296 and Resolution 19-202 be adopted. Seconded by Councilmember Waters.

There was no public testimony.

Councilmember Menor thanked Mr. Hayashida for his willingness to serve.

Committee Report 296 and Resolution 19-202 were adopted.

AYES: ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, PINE,
TSUNEYOSHI, WATERS, ANDERSON – 9.

NOES: None.

PUBLIC HEARING/SECOND READING

BILL 48, CD1 – COMMITTEE REPORT 281

A BILL FOR AN ORDINANCE RELATING TO EXCEPTIONAL TREES.

Councilmember Tsuneyoshi moved that Committee Report 281 be adopted and Bill 48 pass second reading, as amended to CD1. Seconded by Councilmember Kobayashi.

There was no public testimony.

Committee Report 281 was adopted and Bill 48, CD1 passed second reading, as amended.

AYES: ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, PINE,
TSUNEYOSHI, WATERS, ANDERSON – 9.

NOES: None.

Related communication:

M-605 Early testimony on Bill 48, CD1

PUBLIC HEARING/SECOND READING
BILL 45, CD1 – COMMITTEE REPORT 290

A BILL FOR AN ORDINANCE RELATING TO WATERSHEDS AND WATER RESERVOIRS.

Councilmember Fukunaga moved that Committee Report 290 be adopted and Bill 45 pass second reading, as amended to CD1. Seconded by Councilmember Pine.

The following individuals testified:

1. Kathy Mitchell, Board of Water Supply (D-690) (Support)
2. Natalie Iwasa (General comment)
3. Sharlene Chun-Lum (M-615) (Support)

Councilmember Tsuneyoshi thanked the Board of Water Supply, the Honolulu Police Department and the Department of Parks and Recreation for working together on the measure. She stated that the Bill addresses the serious situation of social media directing individuals to access watershed properties. Councilmember Tsuneyoshi thanked Chair Anderson and councilmembers for their support and stated that she looks forward to continuing to work on addressing the issue.

Committee Report 290 was adopted and Bill 45, CD1 passed second reading, as amended.

AYES: ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, PINE,
TSUNEYOSHI, WATERS, ANDERSON – 9.
NOES: None.

Related communications:

M-606 Early testimony on Bill 45, CD1
M-615 Additional testimony on Bill 45, CD1

RECESS/RECONVENE

At 10:51 a.m., the Chair called for a short recess and reconvened the meeting at 10:52 a.m.

THIRD READING

BILL 37, CD1, FD1 – COMMITTEE REPORT 245

A BILL FOR AN ORDINANCE RELATING TO COMMUNITY WORKFORCE AGREEMENTS.

The following amendment posted on the agenda was not considered:

Bill 37, CD1, Proposed FD1 (OCS2019-1067/10/3/2019 11:31 AM)

The following amendment was handcarried to the meeting:

Bill 37, CD1, Proposed FD1 (OCS2019-1079/10/8/2019 2:13 PM)

Councilmember Manahan moved that Committee Report 245 be adopted and Bill 37 pass third reading, as amended to CD1. Seconded by Councilmember Menor.

Councilmember Manahan moved that the Bill be amended to the handcarried FD1. Seconded by Councilmember Menor. The FD1 makes the following amendments:

- A. Amends the former last paragraph of SECTION 1 (making it the next to the last paragraph) to:
 - (1) Clarify that the CWA will cover “any large-scale public works project, including any police, fire, emergency services, erosion, rock4all mitigation, roads, storm-water or sewer infrastructure, and pump station projects, in which there is a contract in excess of \$2,000,000 for the building, erection, installation, or assembly of a new structure, building, or facility, or of new infrastructure.”
 - (2) Replace “and” with “or” in the phrase “storm-water or sewer infrastructure”.
 - (3) Add the following statement:

“The operation and maintenance of City structures, buildings, facilities, or infrastructure are not intended to be covered by this ordinance and will continue to be provided by the public workers who are currently performing them, including, but not limited to, the operation and maintenance, including ground maintenance, of government provided low-income housing, roads, water systems, buildings, facilities, wastewater systems; refuse and solid waste removal; and any other operation and maintenance tasks for government.”

B. In SECTION 2, amends the definition of “Covered Project” to:

- (1) Specify that the definition covers projects, including any police, fire, emergency services, erosion, rock-fall mitigation, roads, storm water or sewer infrastructure, and pump station projects, in which there is a contract for in excess of \$2,000,000 for the building, erection, installation, or assembly of a new structure, building, or facility.
- (2) Exclude “the routine operation or maintenance of a structure, building, or facility, or of new infrastructure.”

C. In SECTION 2, adds the definitions of “Maintenance” and Operation” to read as follows:

“Maintenance” means the upkeep of a structure, building, or facility, or of infrastructure, to preserve the original functional and operational state of the structure, building, or facility, and includes any task that has been traditionally and historically performed by public workers in or upon structures, buildings, facilities, and infrastructure.

“Operation” means activities related to the normal performance of the functions for which a structure, building, facility, or infrastructure is intended to be used.

D. Adds the following new SECTION 4.

SECTION 4. Consistency with Hawaii State Constitution. All “covered projects” and all “community workforce agreements,” as those terms are defined in SECTION 2 of this ordinance, shall comply with and be in accordance with the right to organize for the purpose of collective bargaining guaranteed under Article XIII, Sections 1 and 2, of the State Constitution, and the operation and maintenance of facilities that are constructed pursuant to such community workforce agreements shall be consistent with the merit principle under Article XVI, Section 1, of the State Constitution.

Renumbers the remaining SECTIONS of the bill accordingly.

E. Changes the effective date to May 30, 2020.

F. Makes technical, nonsubstantive amendments.

The following individuals testified:

1. Michael Yadao, General Contractors of Hawaii (M-607) (Oppose)
2. Al Lardizabal, United Public Workers (M-607) (Support)
3. Frances Kama-Silva, Henry's Equipment Rental & Sales, Inc. (M-607) (Oppose)
4. Feliza Verdugo, Jas W. Glover (M-607) (Oppose)
5. John Cheung, C C Engineering and Construction Inc. (M-607) (Oppose)
6. Noelle Thomas, Jas W. Glover (Oppose)
7. Cohen Char, Jas W. Glover (M-607) (Oppose)
8. Ryan Kobayashi, Hawaii Laborers' Union (M-607) (Support)
9. Reggie Keanu (Oppose)
10. Malcolm Barcarse, Jr, A & B Electric Co. (M-616) (Oppose)
11. Ana Tuiasosopo, Operating Engineers (Support)
12. Patricia Florens (M-616) (Oppose)
13. Senator Kurt Fevella (Support)
14. Ralph Sakauye, Bora, Inc. (Oppose)
15. Shane Peterson, Jas W. Glover (Oppose)
16. Jonathan Young, Associated Builders & Contractors Hawaii Chapter (Oppose)
17. George Tupua, Local 1 (Support)
18. Patrick Coronas, Local 1 (Support)
19. Andrea W. Miller, Miller's Paving, LLC (Oppose)
20. Jeff Ornellas, Local 1 (Support)
21. Gino Soquena, Executive Director, Hawaii Building and Construction Trades Council (Support)

In response to Councilmember Pine, Mr. Soquena stated that:

- The non-union companies will be able to bid on the project and will not lose money.
 - The employee would need to join the union but they would not lose any money.
 - There are concerns that there is a misclassification of workers of non-union companies.
22. Cory Hefeale, PPC (Oppose)
 23. Scott Massner, Helix Electric (Oppose)

In response to councilmembers, Mr. Massner stated that:

- If a project labor agreement is in place and a non-union company gets the job, the workers need to sign the union agreement and become members for the duration of the project.
- When employees join the union, their fringe benefits go to the union instead of the company.

24. Richard Balicoco, Hawaii Regional Council of Carpenters (Support)
25. Dione Kalaola, Hawaii Regional Council of Carpenters (Support)
26. Maurice Torigoe, M. Torigoe Plumbing, Inc. (M-616) (Oppose)
27. Thomas Tobin, Local 1 Hawaii Mason's Union (Support)
28. Clifford Tamanaha, Carpenters Union (Support)
29. Layne Machida, General Contractors Association of Hawaii (M-607) (Oppose)
30. Tyler Dos Santos-Tam, Hawaii Regional Carpenters (Support)

In response to councilmembers, Mr. Dos Santos-Tam stated that:

- Anyone bidding on a City job is required to pay prevailing wages under Chapter 104 of the Hawaii Revised Statutes whether employees are union or non-union.
 - Union and non-union contractors are bidding under the same conditions – hours, wages and materials.
 - The Community Workforce Agreement (CWA) will help the City's procurement procedures. The final and binding arbitration procedure is vague, with no policy on local hiring, helmets, and hard hats; the Bill will help to regulate those procedures.
 - The State law to hire local people is difficult for the State to enforce; therefore, the Bill will reduce project risks and delays.
 - The Bill states that union or non-union contractors can bid for the job as long as they are ready, willing and able to comply.
31. Nathaniel Kinney, Hawaii Construction Alliance (M-607) (Support)
 32. Natalie Iwasa (Oppose)

In response to councilmembers, Gary Kurokawa, Chief of Staff, Office of the Mayor stated that:

- The Administration supports the CWA and believes it is cost efficient.
- The Administration is concerned with the May 2020 effective date and whether the State Procurement Code will be changed.
- Under the Bill negotiating authority will move from the Department of Budget and Fiscal Services Director to the Legislative Branch.
- Administrative Directive No. 12-05 by former Governor Neil Abercrombie directed that Project Labor Agreements for State construction projects fall under the purview of department heads. The City Administration looked into and felt that the Mayor could be the lead on CWAs with Council approval.
- Under purchasing contracts, contractors submit payroll information for the City to check and audit.
- The Mayor's Office will look at the situation to ensure that no worker loses benefits they contributed.
- The Administration hired outside counsel to review the Bill. They believe that the effective date was amended to see whether State law can be changed to comport with Bill 37.
- He believes that there is a 90-day period that all unions need to get together to sign the agreement. If that does not happen, everyone must meet with the Council.

In response to Councilmember Tsuneyoshi, Nathaniel Kinney stated that in the Floor Draft, the Mayor is given 90 days to negotiate the CWA and if he is unable to do that, he can come back to the Council for an extension.

Councilmember Tsuneyoshi voiced her appreciation to the union and non-union workers for the great work that they do and continue to do for the City. She stated that a lot of information still needs to be analyzed to determine how the Bill will affect jobs and benefits. She urged union and non-union representatives to come together as signatories to bridge the gap. Councilmember Tsuneyoshi stated she has concerns with the measure and would like more time to further refine the Bill. She stated that she will vote in opposition to the measure.

Councilmember Elefante thanked everyone that participated in the discussions. He stated that he will vote in opposition to the measure because of the outstanding legal issue that should be resolved before moving forward.

Councilmember Fukunaga stated that in the past she has supported PLA and CWA legislation as a means of ensuring labor stability as well as effectiveness and accountability. She voiced her concern that councilmembers received Corporation Counsel's opinion but various stakeholders have not been able to review the opinion. Councilmember Fukunaga stated that she does not want another measure become law, the Corporation Counsel does not sign off, and there is no enforcement. Councilmember Fukunaga advised the Administration and the Corporation Counsel to come up with better solutions and recommendations.

Councilmember Manahan spoke in support of the measure. He highlighted the merits of the Bill: 1) it specifically calls for the employment of a local workforce (Honolulu residents) for City public projects; 2) it applies to less than 20 percent of City public works contracts that are deemed critical and need to meet strict construction deadlines; 3) a CWA means all unions cannot strike, picket or conduct other labor actions that will delay the completion of these critical infrastructure projects; 4) CWAs do not cost more money as the prevailing wage law is set at the State level; 5) CWAs do not exclude non-signatory contractors from bidding; and 6) it prevents misclassification and provides safety. Councilmember Manahan urged councilmembers to support the measure.

Councilmember Menor stated that the legal analysis that was conducted by the proponents of the measure raised several key points including the fact that Bill 37 is not preempted by the National Labor Relations Act, is consistent with the Hawaii Procurement Code, and does not undermine the separation of powers. He asked the Administration to give careful consideration to the extensive legal analysis and research that has been done by the proponents in determining whether or not to follow recommendations from the Corporation Counsel's opinion.

Councilmember Elefante noted for the record that he filed Disclosures of Interest with the City Clerk's Office (CC-250, CC-260, CC-261, CC-262, CC-263, CC-264, CC-265, CC-266, CC-267, CC-270, CC-284, and CC-333).

Bill 37, CD1 was amended to the handcarried FD1 (OCS2019-1079/10/8/2019 2:13 PM).

AYES: ELEFANTE, FUKUNAGA*, KOBAYASHI, MANAHAN, MENOR, PINE,
TSUNEYOSHI, WATERS, ANDERSON – 9.

NOES: None.

*Councilmember Fukunaga voted aye with reservations.

Council Rule 19.E relating to 48-hour notice was waived.

AYES: ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, PINE,
TSUNEYOSHI, WATERS, ANDERSON – 9.

NOES: None.

Committee Report 245 was adopted and Bill 37, CD1, FD1 passed third reading.

AYES: FUKUNAGA*, KOBAYASHI*, MANAHAN, MENOR, PINE, WATERS,
ANDERSON – 7.

NOES: ELEFANTE, TSUNEYOSHI – 2.

*Councilmembers Fukunaga and Kobayashi voted aye with reservations.

Related communications:

M-607 Early testimony on Bill 37, CD1

M-616 Additional testimony on Bill 37, CD1

RECESS/RECONVENE

At 12:39 p.m., the Chair called for a recess as noted on the agenda. With 9 members present, the Chair reconvened the meeting at 1:34 p.m.

FIRST READING

BILL 50

(Zoning, Planning and Housing)

A BILL FOR AN ORDINANCE RELATING TO THE BUILDING CODE.

Councilmember Kobayashi moved that Bill 50 pass first reading. Seconded by Councilmember Fukunaga.

There was no public testimony.

Bill 50 passed first reading.

AYES: ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, PINE,
TSUNEYOSHI, WATERS, ANDERSON – 9.

NOES: None.

FIRST READING

BILL 51

(Business, Economic Development
and Tourism)

A BILL FOR AN ORDINANCE RELATING TO TOURISM.

Councilmember Kobayashi moved that Bill 51 pass first reading. Seconded by Councilmember Fukunaga.

There was no public testimony.

Bill 51 passed first reading.

AYES: ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, PINE,
TSUNEYOSHI, WATERS, ANDERSON – 9.

NOES: None.

Related communication:

M-617 Additional testimony on Bill 51

FIRST READING

BILL 52

(Business, Economic Development
and Tourism)

A BILL FOR AN ORDINANCE RELATING TO PARKS.

Councilmember Kobayashi moved that Bill 52 pass first reading. Seconded by Councilmember Fukunaga.

The following individual testified:

Natalie Iwasa (Oppose)

Bill 52 passed first reading.

AYES: ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, PINE,
TSUNEYOSHI*, WATERS*, ANDERSON – 9.

NOES: None.

*Councilmembers Tsuneyoshi and Waters voted aye with reservations.

FIRST READING

BILL 53

(Transportation)

A BILL FOR AN ORDINANCE RELATING TO MOTOCYCLES AND MOPEDS.

Councilmember Kobayashi moved that Bill 53 pass first reading. Seconded by Councilmember Fukunaga.

There was no public testimony.

Bill 53 passed first reading.

AYES: ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, PINE,
TSUNEYOSHI, WATERS, ANDERSON – 9.

NOES: None.

FIRST READING

BILL 54

(Parks, Community Services
and Intergovernmental Affairs)

A BILL FOR AN ORDINANCE RELATING TO PUBLIC PARKS.

Councilmember Kobayashi moved that Bill 54 pass first reading. Seconded by Councilmember Fukunaga.

The following individuals testified:

1. Sharlene Chun-Lum (M-618) (Oppose)
2. Bruce Lum (M-618) (Oppose)
3. Natalie Iwasa (Oppose)

Bill 54 passed first reading.

AYES: ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, PINE,
TSUNEYOSHI*, WATERS*, ANDERSON – 9.

NOES: None.

*Councilmembers Tsuneyoshi and Waters voted aye with reservations.

Related communications:

M-608 Early testimony on Bill 54
M-618 Additional testimony on Bill 54

FIRST READING

BILL 55

(Budget)

A BILL FOR AN ORDINANCE RELATING TO REAL PROPERTY TAXATION.

Councilmember Kobayashi moved that Bill 55 pass first reading. Seconded by Councilmember Fukunaga.

There was no public testimony.

Bill 55 passed first reading.

AYES: ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, PINE,
 TSUNEYOSHI, WATERS, ANDERSON – 9.
NOES: None.

ADOPTION

RESOLUTION 19-181 – COMMITTEE REPORT 282

RESOLUTION REQUESTING THE CITY ADMINISTRATION TO REEVALUATE THE VIABILITY AND FEASIBILITY OF ITS PLANS FOR THE NEAL S. BLAISDELL CENTER IN LIGHT OF THE ADOPTION OF ACT 268 (SESSION LAWS OF HAWAII 2019) ESTABLISHING A STADIUM DEVELOPMENT DISTRICT.

Councilmember Tsuneyoshi moved that Committee Report 282 and Resolution 19-181 be adopted. Seconded by Councilmember Kobayashi.

The following individuals testified:

1. Sharlene Chun-Lum (M-619) (Support)
2. Bruce Lum (M-619) (Support)
3. Natalie Iwasa (Support)

Committee Report 282 and Resolution 19-181 were adopted.

AYES: ELEFANTE*, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR*, PINE,
TSUNEYOSHI, WATERS, ANDERSON – 9.

NOES: None.

*Councilmembers Elefante and Menor voted aye with reservations.

Related communications:

M-609 Early testimony on Resolution 19-181

M-619 Additional testimony on Resolution 19-181

ADOPTION

RESOLUTION 19-223 – COMMITTEE REPORT 285

RESOLUTION URGING THE MAYOR AND THE CITY ADMINISTRATION TO AFFIRM
THEIR COMMITMENT TO PRESERVING KOKO CRATER STABLES.

Councilmember Tsuneyoshi moved that Committee Report 285 and Resolution 19-223 be
adopted. Seconded by Councilmember Kobayashi.

The following individual testified:

Natalie Iwasa (Support)

Committee Report 285 and Resolution 19-223 were adopted.

AYES: ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, PINE,
TSUNEYOSHI, WATERS, ANDERSON – 9.

NOES: None.

ADOPTION

RESOLUTION 19-233 – COMMITTEE REPORT 288

RESOLUTION ADOPTING THE OAHU RESILIENCE STRATEGY AS A GUIDING POLICY
DOCUMENT FOR THE CITY AND COUNTY OF HONOLULU.

Councilmember Menor moved that Committee Report 288 and Resolution 19-233 be adopted. Seconded by Councilmember Fukunaga.

There was no public testimony.

Committee Report 288 and Resolution 19-233 were adopted.

AYES: ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, PINE,
TSUNEYOSHI, WATERS, ANDERSON – 9.

NOES: None.

Related communications:

M-610 Early testimony on Resolution 19-233

M-620 Additional testimony on Resolution 19-233

ADOPTION

RESOLUTION 19-247 – COMMITTEE REPORT 289

RESOLUTION TO RETAIN THE LEGAL SERVICES OF CHONG, NISHIMOTO, SIA, NAKAMURA & GOYA LLLP AS SPECIAL DEPUTY CORPORATION COUNSEL FOR THE CITY AND COUNTY OF HONOLULU TO REPRESENT THE CITY AND COUNTY OF HONOLULU IN WORKERS' COMPENSATION PROCEEDINGS BEFORE THE DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS, DISABILITY COMPENSATION DIVISION AND LABOR AND INDUSTRIAL RELATIONS APPEALS BOARD, AND IN ANY FURTHER APPELLATE PROCEEDINGS.

Councilmember Menor moved that Committee Report 289 and Resolution 19-247 be adopted. Seconded by Councilmember Fukunaga.

There was no public testimony.

Committee Report 289 and Resolution 19-247 were adopted.

AYES: ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, PINE,
TSUNEYOSHI, WATERS, ANDERSON – 9.

NOES: None.

Related communication:

M-611 Early testimony on Resolution 19-247

ADOPTION

RESOLUTION 19-226, FD1 – COMMITTEE REPORT 292

RESOLUTION ACCEPTING A GIFT TO THE CITY FROM THE WAIKIKI BUSINESS IMPROVEMENT DISTRICT ASSOCIATION.

The following amendment was posted on the agenda:

Resolution 19-226, Proposed FD1

Councilmember Fukunaga moved that Committee Report 292 and Resolution 19-226 be adopted. Seconded by Councilmember Manahan.

Councilmember Fukunaga moved that the Resolution be amended to FD1. Seconded by Councilmember Pine. The FD1 makes the following amendments:

- A. Adds a fifth WHEREAS clause that notes the receipt of an updated and signed Declaration of Gift, and to read as follows:

WHEREAS, through a letter dated October 2, 2019, approved by the Managing Director, the Director and Chief Engineer of the Department of Facility Maintenance has submitted an updated Declaration of Gift, which has been executed by the President and Executive Director of the Waikiki Business Improvement District Association; and

- B. Amends the sixth WHEREAS clause to reference the updated Declaration of Gift as the Exhibit A, and to read as follows:

WHEREAS, the description and value of the gift are set forth in the updated Declaration of Gift attached hereto as Exhibit A and incorporated herein; now, therefore,

- C. Makes miscellaneous technical and nonsubstantive amendments.

There was no public testimony.

Resolution 19-226 was amended to FD1.

AYES: ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, PINE,
TSUNEYOSHI, WATERS, ANDERSON – 9.

NOES: None.

Committee Report 292 and Resolution 19-226, FD1 were adopted.

AYES: ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, PINE,
TSUNEYOSHI, WATERS, ANDERSON – 9.
NOES: None.

ADOPTION

RESOLUTION 19-206 – COMMITTEE REPORT 291

RESOLUTION APPROVING THE GRANT OF EASEMENT E-1 TO HAWAIIAN ELECTRIC COMPANY, INC. WITHIN A PORTION OF THE CITY'S PROPOSED ALOHA PARK PROPERTY, TMK: 2-6-020:002.

Councilmember Fukunaga moved that Committee Report 291 and Resolution 19-206 be adopted. Seconded by Councilmember Pine.

There was no public testimony.

Committee Report 291 and Resolution 19-206 were adopted.

AYES: ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, PINE,
TSUNEYOSHI, WATERS, ANDERSON – 9.
NOES: None.

ADOPTION

RESOLUTION 19-194, CD1 – COMMITTEE REPORT 293

RESOLUTION AUTHORIZING THE MAYOR OR THE MAYOR'S DESIGNEE TO ENTER INTO A DEVELOPMENT AGREEMENT BETWEEN THE CITY AND COUNTY OF HONOLULU AND EAH INC., TO DEVELOP A SENIOR AFFORDABLE RENTAL PROJECT AT THE FORMER AIEA SUGAR MILL SITE.

Councilmember Menor moved that Committee Report 293 and Resolution 19-194 be adopted, as amended to CD1. Seconded by Councilmember Waters.

There was no public testimony.

Councilmember Elefante stated his support for the Resolution. He noted that the measure will provide affordable housing units for seniors 62 years of age and older with some units dedicated to seniors with incomes below 60 percent of the U.S. Department of Housing area medium income. Councilmember Elefante stated that he has been working on this issue with the communities and Councilmember Fukunaga. He stated that he looks forward to working with the developer and the community when the project comes to fruition.

Committee Report 293 and Resolution 19-194, CD1 as amended were adopted.

AYES: ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, PINE,
TSUNEYOSHI, WATERS, ANDERSON – 9.

NOES: None.

Related communication:

M-612 Early testimony on Resolution 19-194, CD1

BALANCE OF COMMITTEE REPORTS

There was no balance of committee reports.

UNFINISHED BUSINESS

COMMITTAL TO THE COMMITTEE ON PARKS, COMMUNITY SERVICES AND INTERGOVERNMENTAL AFFAIRS

BILL 2 (2018), CD1 – COMMITTEE REPORT 163 (2018)

A BILL FOR AN ORDINANCE RELATING TO PUBLIC PARKS.

Councilmember Tsuneyoshi moved that Committee Report 163 (2018) and Bill 2 (2018) be committed to the Committee on Parks, Community Services and Intergovernmental Affairs. Seconded by Councilmember Manahan.

The following individuals testified:

1. Natalie Iwasa (General comment)
2. Lawrence Dabaluz (General comment)
3. Michael Waters (General comment)

4. Mialisa Otis (General comment)
5. K. Moniz (General comment)
6. Tracy Puana (General comment)

Committee Report 163 (2018) and Bill 2 (2018), CD1 committed to the Committee on Parks, Community Services and Intergovernmental Affairs.

AYES: ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, PINE, TSUNEYOSHI, WATERS, ANDERSON – 9.
NOES: None.

Related communications:

M-613 Early testimony on Bill 2 (2018), CD1
M-621 Additional testimony on Bill 2 (2018), CD1

NEW BUSINESS

ADOPTION **RESOLUTION 19-205**

RESOLUTION ACCEPTING A GIFT TO THE CITY FROM RAW ELEMENTS USA.

Resolution 19-205 was waived to the Council floor by the Chair of the Committee on Public Infrastructure, Technology and Sustainability.

Councilmember Kobayashi moved that Resolution 19-205 be adopted. Seconded by Councilmember Fukunaga.

There was no public testimony.

Resolution 19-205 was adopted.

AYES: ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, PINE, TSUNEYOSHI, WATERS, ANDERSON – 9.
NOES: None.

Related communication:

CC-312 Councilmember Carol Fukunaga

ADOPTION
RESOLUTION 19-211

RESOLUTION ACCEPTING A GIFT TO THE CITY FROM THE HONOLULU ZOOLOGICAL SOCIETY.

Resolution 19-211 was waived to the Council floor by the Chair of the Committee on Budget.

Councilmember Kobayashi moved that Resolution 19-211 be adopted. Seconded by Councilmember Fukunaga.

There was no public testimony.

Resolution 19-211 was adopted.

AYES: ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, PINE, TSUNEYOSHI, WATERS, ANDERSON – 9.

NOES: None.

Related communication:

CC-314 Councilmember Joey Manahan

ADOPTION
RESOLUTION 19-220

RESOLUTION ACCEPTING A GIFT TO THE CITY FROM THE PETCO FOUNDATION.

Resolution 19-220 was waived to the Council floor by the Chair of the Committee on Public Safety and Welfare.

Councilmember Kobayashi moved that Resolution 19-220 be adopted. Seconded by Councilmember Fukunaga.

There was no public testimony.

Resolution 19-220 was adopted.

AYES: ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, PINE,
TSUNEYOSHI, WATERS, ANDERSON – 9.

NOES: None.

Related communication:

CC-307 Councilmember Tommy Waters

ADOPTION

RESOLUTION 19-232

RESOLUTION ACCEPTING A GIFT TO THE CITY FROM C40 CITIES LEADERSHIP GROUP.

Resolution 19-232 was waived to the Council floor by the Chair of the Committee on Public Infrastructure, Technology and Sustainability.

Councilmember Kobayashi moved that Resolution 19-232 be adopted. Seconded by Councilmember Fukunaga.

There was no public testimony.

Resolution 19-232 was adopted.

AYES: ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, PINE,
TSUNEYOSHI, WATERS, ANDERSON – 9.

NOES: None.

Related communications:

CC-313 Councilmember Carol Fukunaga
M-622 Additional testimony on Resolution 19-232

ADOPTION

RESOLUTION 19-248

RESOLUTION ACCEPTING A GIFT TO THE CITY FROM THE HONOLULU ZOOLOGICAL SOCIETY.

Councilmember Kobayashi moved that Resolution 19-248 be adopted. Seconded by Councilmember Fukunaga.

There was no public testimony.

Resolution 19-248 was adopted.

AYES: ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, PINE,
TSUNEYOSHI, WATERS, ANDERSON – 9.
NOES: None.

ADOPTION
RESOLUTION 19-249

RESOLUTION ACCEPTING A GIFT TO THE CITY FROM THE HAWAII STATE DEPARTMENT OF HEALTH – HAZARD EVALUATION & EMERGENCY RESPONSE OFFICE (HEER).

Councilmember Kobayashi moved that Resolution 19-249 be adopted. Seconded by Councilmember Fukunaga.

There was no public testimony.

Resolution 19-249 was adopted.

AYES: ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, PINE,
TSUNEYOSHI, WATERS, ANDERSON – 9.
NOES: None.

ADOPTION
RESOLUTION 19-230

RESOLUTION AUTHORIZING THE DIRECTOR OF BUDGET AND FISCAL SERVICES TO ISSUE AND SELL NOT TO EXCEED \$160,000,000 PRINCIPAL AMOUNT OF WASTEWATER SYSTEM REVENUE BONDS, JUNIOR SERIES 2019 AND RELATED MATTERS.

Resolution 19-230 was waived to the Council floor by the Chair of the Committee on Budget.

Councilmember Kobayashi moved that Resolution 19-230 be adopted. Seconded by Councilmember Fukunaga.

There was no public testimony.

Resolution 19-230 was adopted.

AYES: ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, PINE,
TSUNEYOSHI, WATERS, ANDERSON – 9.

NOES: None.

Related communication:

CC-315 Councilmember Joey Manahan

ADOPTION

RESOLUTION 19-231

RESOLUTION AUTHORIZING THE DIRECTOR OF BUDGET AND FISCAL SERVICES TO ISSUE AND SELL NOT TO EXCEED \$800,000,000 PRINCIPAL AMOUNT OF WASTEWATER SYSTEM REVENUE BONDS, SENIOR SERIES 2019 AND RELATED MATTERS.

Resolution 19-231 was waived to the Council floor by the Chair of the Committee on Budget.

Councilmember Kobayashi moved that Resolution 19-231 be adopted. Seconded by Councilmember Fukunaga.

There was no public testimony.

In response to Councilmember Tsuneyoshi, Tim Houghton, Deputy Director, Department of Environmental Services stated that:

- The process is to have the bonds rated by an agency, then the bonds will be sold at the bond market in New York.
- About \$250 million new money will provide bond funding for approved wastewater projects. The additional amount in the junior and senior bonds would be for refunding.

- The market is very good now and the Department anticipates the refunding process will be good and will save over \$30 million in interest in the long term.

Resolution 19-231 was adopted.

AYES: ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, PINE,
TSUNEYOSHI, WATERS, ANDERSON – 9.
NOES: None.

Related communication:

CC-316 Councilmember Joey Manahan

COMMITTEE OF THE WHOLE/EXECUTIVE SESSION

There was no Executive Session.

ANNOUNCEMENTS

Councilmember Elefante wished Councilmember Tommy Waters a belated happy birthday.

Councilmember Pine thanked Chair Anderson, councilmembers, and Council staff for coming out to Kapolei for the Council Meeting. She noted that the community groups that were acknowledged today were appreciative they did not have to travel to town.

Councilmember Kobayashi thanked Chair Anderson for wearing a pink shirt for domestic violence awareness month.

Chair Anderson thanked staff for providing support services to make it possible to have the Council meeting at Kapolei Hale.

ADJOURNMENT

At 2:15 p.m., Councilmember Kobayashi moved that the Council stand adjourned until Wednesday, November 6, 2019, at 10 a.m. Seconded by Councilmember Fukunaga and there being no objections from the 9 members present, it was so ordered by the Chair.

Respectfully submitted,

GLEN I. TAKAHASHI
City Clerk

jy

DATE APPROVED:

November 6, 2019